IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.304/2003

1. Lourdes Conception, 99,
Chapel View, Chimbel, Goa.

2. Francis D'Souza, Near
Livra Febres Chapel,
Chimbel, Goa.

3. Eulalio Braganza,
Near Chimbel Panchayat,
Chimbel, Goa.

4. Carlos Fernandes,
H.No.221, Chimbel, Goa.

5. Manuel Conception,
House No.60, Chimbel, Goa. .... Petitioners.

Vs.

1. The Member Secretary,
Goa State Pollution Control Board,
243, Patto Panaji, Goa.

2. The Health Officer,
Urban Health Centre,
18th June Road, Panaji, Goa.

3. The Directorate of Health
Services, Campal, Panaji, Goa.

4. Village Panchayat of
Chimbel, through its
Sarpanch, with his Office
at Chimbel, Goa.

5. The Town Planner,
Town and Country Planning
Department, Old G.M.C. Complex,
Panaji, Goa.

6. The Director of Panchayats,
Junta House, Panaji, Goa.

7. M/s. Aisha Constructions,
through its partner Shri Ram
Ramzan Makandar,
FF-5, 4th Floor, Rani Pramila
Carcade. 18th June Road,
Panaji, Goa. ..... Respondents.

Mr. Valmiki Menezes, Advocate for the petitioners.

Mr. A.N.S. Nadkarni, Advocate General with H.D. Naik, Addl. Govt. Advocate for respondents No.1, 5 and 6.

Mr. S.D. Lotlikar, Sr. Advocate with Mr. A.D. Bhobe, Advocate for respondent No.4.

Mr. Nitin Sardessai, Advocate for respondent No.7.

CORAM : F.I. REBELLO &
P.V. HARDAS, JJ.

DATE : JULY 28, 2003.

ORAL JUDGMENT: (Per REBELLO, J.)

Rule. The respondents waive service. Heard forthwith.

2. The respondent No.7 has filed an affidavit in the form of undertakings, today which is dated 28th July, 2003. The undertakings given are as under :

> " 1. ... I hereby on behalf of the Respondent No.7, being fully authorised to do so, do hereby solemnly undertake to construct a new soak pit in terms of the plan annexed hereto and as per the specifications given therein, within 2 months from the approval of the revised plan/new plan. The said plan shall be treated as an integral part of this

undertaking.

2. I further undertake that the construction of the said soak pit is subject to the approval of the revised plans to be submitted by me within one week from today.

3. I say that on the construction of the said soak pit tank, I will close permanently the soak pit tank, which is a subject matter of this petition and shall see to it that the same is not used by any persons."

The said undertakings as contained in the affidavit dated 28th July, 2003 along with the plan annexed thereto, are accepted.

3. The petitioner further undertakes to submit the plans to respondent No.4 within one week from today. The same is accepted. Respondent No.4,within two weeks, on receipt of the said plans, to submit the same for approval of the other authorities as required by law. The said Authorities to dispose of the same as possible and at any rate, within four weeks of the

receipt of the report.

Rule accordingly. There shall be no order as to costs.

F.I. REBELLO, J.

P.V. HARDAS, J.

ssm.